

REMARKS

Claims 1, 4, 5, 7-11, 14, 15, and 17-21 are pending. Claims 1, 4, 5, and 7-10 stand rejected. Claims 11, 14, 15, and 17-21 stand allowed.

Claim 2 has been canceled and the subject matter thereof incorporated into claim 1. This is consistent with the Examiner's indication that claim 2, which depended from claim 1, would be allowable if rewritten to overcome the rejection under section 112. Claim 1 has also been amended to address the rejection under section 112. Support for the amendment can be found, for example, in paragraphs [0027] through [0031] of the Specification and FIG. 3. No new matter is added herein.

Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

Rejection Under 35 U.S.C. § 112

The Examiner rejects claims 1, 2, 4, 5, and 7-10 under 35 U.S.C. § 112 ¶ 2 as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. The Examiner indicates that claim 1 is confusing, particularly in its use of the phrases "surface temperature" and "measured value." The rejection of claim 2 is moot in view of its cancellation. Regarding the remaining claims, Applicant submits that the clarifying amendments presented herein overcome this rejection, and accordingly respectfully requests its withdrawal.

Rejection Under 35 U.S.C. § 103

Claims 1, 7, and 10

The Examiner rejects claims 1, 7, and 10 under 35 U.S.C. § 103 as obvious over U.S. Patent No. 4,260,876 to Hochheiser ("Hochheiser") in view of U.S. Patent No. 5,778,689 to Beatenbough ("Beatenbough"). To establish a *prima facie* case of obviousness, the Examiner must demonstrate some suggestion or motivation to combine one or more references, with a reasonable expectation of success, to teach each and every claimed limitation. MPEP § 2142.

Applicant respectfully submits that the asserted combination of references does not teach each and every element of claim 1.

As the Examiner indicates in the Office Action, claim 2 would be allowable if rewritten to overcome the rejection under section 112. Thus, the Examiner concludes that the prior art does not teach each and every element recited in claim 2. By amendment above, the subject matter of claim 2 has been incorporated into claim 1, from which claim 2 originally depended. Applicant therefore submits that the asserted prior art does not teach each and every element of claim 1, and respectfully requests that the rejection be withdrawn. Claims 7 and 10, which depend from claim 1, are similarly allowable.

Claims 4 and 5

The Examiner rejects claims 4 and 5 under 35 U.S.C. § 103 as obvious over Hochheiser in view of Beatenbough, and further in view of admitted prior art. Claims 4 and 5 depend from claim 1, and Applicant submits that the admitted prior art does not overcome the deficiencies of Hochheiser and Beatenbough noted above. Thus, Applicant submits that claims 4 and 5 are patentably distinguished over the prior art, and earnestly solicits the withdrawal of this rejection.

Claims 8 and 9

The Examiner rejects claims 8 and 9 under 35 U.S.C. § 103 as obvious over Hochheiser in view of Beatenbough and U.S. Patent No. 4,389,856 to Ibrahim ("Ibrahim"). Applicant submits that Ibrahim does not cure the deficiencies of Hochheiser and Beatenbough with respect to claim 1, from which claims 8 and 9 depend. Accordingly, Applicant submits that the rejection of claims 8 and 9 is improper for at least the same reasons as regarding claim 1. The rejection should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and requests that all rejections be withdrawn, that all pending claims be allowed, and that the application be passed to issue. If, for any reason, the

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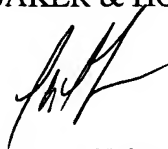
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Examiner finds the application to be in other than condition for allowance, the Examiner is invited to contact the undersigned in an effort to resolve any matter still outstanding before issuing another action.

In the event any extensions of time are required for this paper to be considered timely, Applicant hereby makes a conditional petition therefor. Please charge any deficiencies in fees and credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87334.6040.

Respectfully submitted,

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